

Exhibit A

ALEXANDER SASHA BARDEY M.D.
FORENSIC AND CLINICAL PSYCHIATRY

FORENSIC-PSYCHIATRIC EVALUATION

JORDAN DESEMBERG
Docket No. 07 CR 401-01

March 17, 2008

Peggy Cross, Esq.
Federal Defenders of New York, Inc.
52 Duane Street, 12th Floor
New York, New York 10007

Dear Ms. Cross,

At your request, I performed a psychiatric examination of your client, Jordan Desenberg, at the Metropolitan Detention Center in Brooklyn, New York on March 4, 2008, in order to assist you in gaining a better understanding of his mental state at the time of the events that led to his arrest. I reviewed his personal and psychiatric history, and I reviewed his understanding of the circumstances that led to his legal troubles. I performed a mental status examination in order to assess his intelligence, thought processes, cognitive functioning, memory, credibility, orientation, judgment, insight, and impulse control.

Mr. Desenberg is charged with possession and distribution of child pornography.

In addition to my examination, I reviewed the following collateral sources of information in making my assessment:

1. Presentence Investigation Report, Docket No. 07 CR 401-01, dated 1/31/08
2. Psycho-Sexual Assessment, conducted by Kenneth Lau, LCSW., dated 1/18/08
3. Scaled Complaint, United States Magistrate Judge, Southern District of New York, dated 4/10/07
4. Grand Jury Charges, United States District Court, Southern District of New York, undated

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PAST PERSONAL HISTORY

The information within this report was extracted from a clinical interview with Mr. Desenberg on March 4, 2008, a Psycho-Sexual Assessment Report conducted by Kenneth J. Lau, LCSW., dated January 18, 2008, and the Presentence Investigation Report, dated January 31, 2008.

Jordan Desenberg is a forty-one year old male who was born in York, Pennsylvania on January 18, 1966. According to the Presentence Investigation Report, Mr. Desenberg was actually born with the name Jordan Robert Martinez; however, his name was legally changed after his stepfather adopted him. Mr. Desenberg is the only child born out of the consensual union between Elaina "Lana" nee Gurreri and Robert Martinez. He has one maternal half-brother, Michael Desenberg who is thirty-five years old and currently residing in Pennsylvania. In addition, Mr. Desenberg has two paternal half-siblings that reside in Pennsylvania as well; thirty-three year old Marcel Martinez and twenty-five year old Nicole Martinez.

Shortly after Mr. Desenberg's birth, his parents separated. Several years later, his mother remarried a man named Joel Desenberg. Mr. Desenberg was raised in York, Pennsylvania where he resided until he was sixteen years old. He did not endorse any developmental or medical problems as a child and reported no family history of mental illness. However, he explained that his biological father has a history of substance abuse and was known to abuse marijuana and alcohol.

Mr. Desenberg endorsed being sexually abused during two separate time periods in his life. He reported that the first incidents of abuse occurred when he was about five or six years old. At the time, he was living with his grandmother and great-grandmother. Approximately every six weeks, Mr. Desenberg, his grandmother, and great-grandmother would visit the Rentzel family. Greg Rentzel, Mr. Desenberg's third cousin, was around eighteen years old. During these visits, Mr. Desenberg was often sent to Greg's room to play. Mr. Desenberg reported that Greg would force him to perform oral sex on him. This happened about three to five times. On one occasion, Greg forced Mr. Desenberg, at gunpoint, to have oral sex with his friend as well. Mr. Desenberg recalled Greg threatening to shoot him with a rifle if he did not comply. During this particular assault, Greg took pictures of Mr. Desenberg performing oral sex on his friend.

Mr. Desenberg could not recall if Greg had threatened him to keep the abuse a secret; however, he remembered being told he could leave Greg's room if he promised to keep quiet. Although Mr. Desenberg's memory is not very clear after thirty-five years, he stated that he might have told his grandmother about the abuse, but was unsure. Yet, he was able to recall that he never went back to Greg's house after that incident. Mr. Desenberg related that when he was about twenty-three years old, he had learned that Greg had committed suicide.

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Mr. Desenberg's relation of this abuse was consistent with what is recorded in the Presentence Investigation Report and the Psycho-Sexual Assessment Report. The Presentence Report indicated that some of the statements Mr. Desenberg made during the Presentence interview and his Psycho-Sexual Assessment were inconsistent with each other. However, to this examiner, the differences appear minor and are consistent with variations one might expect from telling a similar story to two people, asking different questions about an incident. For example, Mr. Desenberg refers to Greg as a "distant male relative" he called "uncle" in the Presentence Report, while he told Kenneth Lau that the abuser was the teenage son of his mother's cousin. It seems that Greg was the teenage son of his mother's cousin that Mr. Desenberg used to call "uncle".

Mr. Desenberg related that he remembered thinking about this abuse after it occurred for quiet some time and eventually confided in his priest, Father Joe. After disclosing the abuse to this priest, Mr. Desenberg stated, he did not think about it until he was on the Internet with "those weird people" many years later (the offense conduct).

The second incident of sexual abuse occurred when Mr. Desenberg was about twelve or thirteen years old and in the eighth grade, when his priest, Father Joe, fondled him. Mr. Desenberg explained that Father Joe was a "floater" priest who went to hospitals, and was in charge of the youth ministry and the Altar Boys. In 1978 or 1979, Father Joe had purchased a new brown Camaro and invited Mr. Desenberg to go for a ride with him. Mr. Desenberg reported that he began to spend a lot of time with Father Joe, during which Father Joe reportedly engaged in many inappropriate behaviors. Mr. Desenberg stated that Father Joe would provide him with alcohol and pornography and in addition, he would have discussions with Mr. Desenberg about masturbation, offering the opinions that "sex is not a sin" and that "homosexuality is okay."

On one occasion, Father Joe had given Mr. Desenberg some alcohol to drink while they were in Father Joe's room at the Church's rectory. While there, Father Joe allegedly fondled Mr. Desenberg over his clothes and asked for Mr. Desenberg to rub him back. Mr. Desenberg could not recall exactly what happened, but stated that he may have complied with Father Joe's request.

Mr. Desenberg related to this examiner that when he returned home drunk after having been out with Father Joe, his grandmother noticed and became extremely upset. His grandmother spoke with the church and Father Joe was eventually transferred out of that Parrish. Mr. Desenberg reported that Father Joe had also committed suicide at some later point.

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The Presentence Report indicated that Mr. Desenberg had reported being abused by Father Joe "on and off" for about eighteen months and that he had disclosed this abuse to his grandmother about one year after the abuse began. Again the Presentence Report suggested that these statements were in contradiction to what Mr. Desenberg had reported to Mr. Lau, that he had been abused by Father Joe only on one occasion. Though Mr. Desenberg related that he had been abused "on and off" for eighteen months, he reported that he was only fondled by father Joe on one occasion. Further, the Presentence Report indicated that, Mr. Desenberg had related to Mr. Lau that he had reported the incident to his mother, who minimized it. Mr. Desenberg may have told his mother, who minimized the abuse, and then, had also confided in his grandmother. It is this examiner's opinion that, Mr. Desenberg's account of these incidents was consistent and credible.

Mr. Desenberg reported that he attended St. Patrick's Elementary School, which was a part of Father Joe's Parrish. He explained that he was an above average student, until he entered high school. He attended regular classes, was never left back and was never suspended. However, after the incident with Father Joe, Mr. Desenberg's academic performance suffered significantly, as did his relationship with his parents.

Mr. Desenberg attended York Catholic Senior High School for ninth and tenth grade. Sometime during the ninth grade, Mr. Desenberg began to abuse alcohol and marijuana; he also began sneaking out at night. At the age of sixteen, Mr. Desenberg dropped out of the tenth grade and moved out of his grandmother's home. He explained that after the incident with Father Joe, he no longer wanted to live with his grandmother. Mr. Desenberg began to live with friends, "here and there" and his grandmother would give him money for his needs. After leaving his grandmother's home, Mr. Desenberg lost contact with his parents and is currently unaware of their whereabouts or status.

Around 1983 or 1984, Mr. Desenberg joined Job Corps where he initially did well. After seven months, he earned his General Education Diploma and then quit the program. Mr. Desenberg then joined a band called, "Cherry Bomb" that performed in bars and traveled. During this time, Mr. Desenberg reported that he lived on the West Coast and Texas. He explained that he had been involved with his band "on and off" until his marriage at the age of thirty or thirty-one.

Mr. Desenberg related that over time, he began abusing more marijuana and when he was "stressed out" he would abuse cocaine because it "calms me down." He explained that at the age of eighteen he experimented with LSD and had tried heroin at another point in his life. Mr. Desenberg related that he consistently abused alcohol since his early teens; however he never drank on a daily basis. He explained that he never abused drugs while he was alone because he liked to keep, "the illusion of social use."

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The Presentence Report reported that, from 1993 through 2005, Mr. Desenberg lived in Florida.

Mr. Desenberg has a sparse and sporadic employment history. From 1997 through 2000, Mr. Desenberg worked for Acumen Sales, a company specializing in the sale of timeshares located in Daytona Beach, Florida. Mr. Desenberg reportedly held the positions of floor supervisor and marketing representative. In 1997, Mr. Desenberg married Deborah Black in Daytona, Florida. They separated in 2000 or 2001 because, "Debbie wanted a divorce." He related that he was never able to come to terms with this and has not had any contact with her for the past four years. Mr. Desenberg left Acumen Sales following the separation from his wife.

Mr. Desenberg was still residing in Florida in 2000, but was homeless and working "odd jobs". Mr. Desenberg stated that around this time, he had realized that he was prone to confronting and fighting others. He described himself as nonviolent; however he explained that he felt compelled to confront any bullies and tormentors he came across. As such, Mr. Desenberg sought mental health counseling where he subsequently received a dual diagnosis of Bipolar Disorder and Alcohol and Drug abuse. Unfortunately, no other information pertaining to this treatment and diagnosis was provided. During this time, Mr. Desenberg remained homeless and moved around frequently. He explained that he "always runs away from problems" and reported that he continued to work "odd jobs", including six months at a resort hotel.

According to the Presentence Report, Mr. Desenberg sought counseling at that time because his drug problem had gotten out of control. He reported that he only attended a few sessions and then terminated treatment. Mr. Desenberg also reported that he had sought treatment for "violent outbursts" about a year later, but only met with counselors one or two times and then stopped because these sessions were "ineffective".

From 2002 through 2005, the Presentence Report indicated, Mr. Desenberg worked for Midwest Midways, a company that specialized in traveling carnivals and fairs. Mr. Desenberg related that he worked for this company "on and off" during those three years, running games at these fairs and carnivals.

Sometime during 2005, Mr. Desenberg moved back to Pennsylvania and in May 2005, he was arrested and charged with Simple Assault. He pled guilty and was incarcerated for ten months; he was released to parole services on April 17, 2006.

Following his release from prison in April 2006, Mr. Desenberg started dating his current fiancée, Carol Ober. Although, he explained that now that he is facing a long sentence, he is unsure about the marriage. Prior to his current arrest, Mr.

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Desenberg was residing in Colombia, Pennsylvania with Ms. Ober; he was unemployed secondary to suffering from panic attacks and was being financially supported by his girlfriend. Since Mr. Desenberg's incarceration, Ms. Ober has moved to York, Pennsylvania.

The Presentence Report recorded that sometime during 2006, Mr. Desenberg had been employed as a telemarketer for Marketing Inter Media located in Lancaster, Pennsylvania.

The Presentence Report also reviewed Mr. Desenberg's extensive and varied criminal history that extends from 1984 through 2007. In November 1984, Mr. Desenberg was arrested and charged with Resisting Arrest and Trespassing. Mr. Desenberg pled guilty and received one year of probation. In May 1989, Mr. Desenberg was charged with Trespassing, although no disposition is reported. In June 1985, Mr. Desenberg was arrested and charged with Driving Under the Influence of Alcohol or a Controlled Substance; he pled guilty and received a sentence ranging from one to twelve months in prison.

On October 4, 1989, Mr. Desenberg was charged with Resisting Arrest and Loitering and Prowling, he pled No Contest to each and received a five-month sentence and a sixty-day sentence, respectively. On October 7, 1989, Mr. Desenberg was charged with one count of Burglary and three counts of Dealing in Stolen Property. Mr. Desenberg pled guilty and initially received a two-year prison sentence followed by a five-year probation period. In October of 1990, a probation violation was filed and Mr. Desenberg was re-sentenced to two years in prison. A description of this crime was provided, reportedly, Mr. Desenberg and an accomplice entered the victim's residence and removed property, including a television, computer, jewelry, and stereo equipment. Of note, the victim in the case was Mr. Desenberg's aunt.

In July 1992, Mr. Desenberg was arrested and charged with Disorderly Conduct, he pled "No Contest". In February 1993, Mr. Desenberg was arrested and charged with Battery; he pled "No Contest" and received nine months and twenty-five days probation. In September 1996, Mr. Desenberg was charged with Battery, yet these charges were later dropped. In October 1998, Mr. Desenberg was arrested and charged with Disorderly Conduct; he pled "No Contest" and was sentenced to ten days in jail. Mr. Desenberg was also charged with Contempt of Court in October 1998 however, no disposition is reported.

In September 2000, Mr. Desenberg was charged with Assault and Disorderly Conduct, although the charges were Nolle Prosequi, or not pursued. In May 2005, Mr. Desenberg was arrested and charged with Simple Assault, he pled guilty and received one to two years in jail, a one hundred dollar fine, and a thirteen-thousand, eight-hundred and twenty-three dollar and fifty-seven cent restitution. Mr. Desenberg was released to parole services on April 17, 2006. Finally, in January 2007,

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Mr. Desenberg was charged with Theft by Deception, although the results of this case were unreported.

MR. DESENBERG'S RECOLLECTION OF THE INCIDENT

Mr. Desenberg related that he first got internet access when he and his fiancée leased a laptop with Internet access, including American Online (AOL) in November 2006; he stated that within three days of getting the Internet, he was exposed to online pornography. At some point, he recalled finding a chat room, "Cuties" where he subsequently received child pornography. Mr. Desenberg related that he "got blown away" and stated, "I was going to pretend to be into this [type of behavior] to find out where this would go." Viewing these images had an immediate effect on Mr. Desenberg. He reported that intense and intrusive memories of his childhood abuse came flooding back.

Mr. Desenberg stated that he realized these people were pedophiles and that he was unable to believe there were so many "people like this". Mr. Desenberg related that he had found a huge pedophile network and realized that people could have several different screen names; he spent an excessive amount of time trying to discover who was behind each different screen name. He stated that this was not a game for him; he described an overwhelming need to try and prove to himself that there were not as many pedophiles as he originally thought. Explaining that maybe there were really only twenty actual people behind the one-hundred and fifty screen names in this chat room. Mr. Desenberg became obsessed with this, spending thirty-six to forty-eight hours on the computer at once. He stated that he was waiting to be approached by others in these chat rooms or other internet forums.

Mr. Desenberg related that the pictures he received were always single pictures of one child. He never saw multiple pictures of the same child and he found this to be disturbing because he pondered, "Were the children being killed or something?" Mr. Desenberg explained that he would save everything other people had sent him and would then categorize the files into genres, sub-genres, and sub-sub genres. Many of the images he received had fetish themes; he would classify these as well. Mr. Desenberg was not only obsessed with these online behaviors, he also appeared to be very obsessive and rigid in the way he carried them out.

Mr. Desenberg related that he needed to find someone "evil". He believed that about half of the people in this chat room were living out their fantasies; he wanted to find one of these individuals and "punish them" and "cause retribution". He began looking for a "real evil person", once he found that person, he wanted to meet them and hurt them, but not for sex, to "punish them". He explained that if this person was portraying themselves as a woman, he wanted to call and speak with

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them to confirm he was actually speaking with a female. He understood that many people online pose as women when they are actually men.

Mr. Desenberg related that he was not sexually motivated and did not receive any sexual gratification by looking at these images or participating in this behavior. He related that a small part of his motivation for doing this was to save a child; however, he admitted the bottom line was to get revenge for the abuse he suffered as a child himself. Mr. Desenberg expressed a desire to take a polygraph test to prove that his motivation was revenge and not sexual in nature, "my story can be proved."

Mr. Desenberg explained that his plan was to indoctrinate himself with these people. Stating that it just appeared he was drawn to pedophiles. He stated that he always knew it was illegal, however, he thought he had earned the right to search through these images because of his own history of sexual victimization. He related that he would initially have sexual discussion with these people, however, once he felt that he had earned their trust, he would go on to discuss other mundane topics with them. He reported that although he had sexually explicit conversations with the undercover agent, he also spent time talking about other nonsexual things with him.

Eventually, Mr. Desenberg came to the realization that "there was no monster" he could punish for the abuse he had received, "the people who abused me are long dead." Mr. Desenberg reported that he then decided to stop participating in this behavior because he feared he may have encouraged people to act on their fantasies, "memorializing an atrocity." He related, "I became an enabler for this abuse." When he made this realization, Mr. Desenberg deleted all of the images he had saved on his computer. Mr. Desenberg deleted these images about one and a half months prior to his arrest.

Mr. Desenberg was working for Inter Media Marketing from spring 2006 until midsummer of that same year. He explained that he quit his job when he became obsessed with the Internet and child pornography. Further, Mr. Desenberg reported not bathing or eating adequately during this time. He became reclusive, depressed, and anxious.

Mr. Desenberg also endorsed experiencing intense panic attacks during this time. He stated that he could not leave the room with the computer; he explained that he was afraid to move and had an underlying fear that gave him "breathing problems". On one occasion, Mr. Desenberg called his girlfriend to come and pick him up from Church because he became frozen with panic at the Church entrance. Mr. Desenberg stated that in November or December 2006, he had gotten rid of the computer and his panic attacks had subsided. However, his fiancée got the computer back in January 2007 and Mr. Desenberg reported going right back to his obsessive behaviors and the panic attacks returning. He explained that these attacks were

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frequent and would occur more frequently after having an unsettling conversation on the Internet.

Mr. Desenberg denied ever sexually abusing a minor and admitted to wanting to punish an "evil" abuser. Mr. Desenberg further denied being sexually aroused by or having sexual fantasies about rape. He did not describe a history of pedophilic interests and, prior to the instant offense, he had little interest in pornography. Mr. Desenberg related that he never masturbated during this period; in fact, he reported that he had no sex drive during this time at all. He explained that after deleting the child pornography files on his computer, did his sexual libido slowly return.

According to the Presentence Investigation Report, Mr. Desenberg was arrested on April 17, 2007 in the Eastern District of Pennsylvania. Indictment 07 CR 401 (HB) stated that from February 2, 2007, through March 21, 2007, in the Southern District of New York and elsewhere, Mr. Desenberg sent images consisting of child pornography from his computer in Pennsylvania to the email account of an undercover law enforcement officer in Bronx, New York. On July 19, 2007, he pled guilty to these charges without the benefit of a plea agreement.

The Presentence Investigation Report further indicated that a New York City Police Detective had posted a fake American Online (AOL) profile on the Internet that described an older woman with two younger daughters ages nine and twelve. This profile included the phrase, "List me List Me List Me What You send you might get back" which indicated that this individual desires to receive pornography and that this individual may send pornography in return. On February 1, 2007, the undercover agent (UC) entered an AOL chat room called "Cuties" and was contacted by Mr. Desenberg using the screen name "Somnieresanguis".

Mr. Desenberg and the UC began instant message chatting and over the next several weeks, Mr. Desenberg sent numerous emails and instant messages to the UC's account. Mr. Desenberg would discuss, among other things, his desire to have sex with the UC's two young daughters. In addition, during this period of time, Mr. Desenberg sent approximately twenty-one images of child pornography to the UC's AOL account.

After being apprehended, Mr. Desenberg told law enforcement agents that he was looking at these inappropriate photographs because he, "wanted to see how deep the rabbit hole went" and "to see how far people are into it."

Mr. Desenberg's version on the instant offense reported in Kenneth Lau's Psycho-Sexual Assessment report is consistent with what he reported to this examiner. Mr. Desenberg told Mr. Lau that when he initially came across child pornography on the Internet, he had flashbacks of his own sexual abuse and explained that he had not thought about the abuse in years. Mr. Desenberg reported

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that he was curious about why people would engage in this behavior and used these pictures as a means of communicating with people who were sexually interested in children. He denied that he was sexually stimulated by these images, he denied masturbating to these images and denied having sexual fantasies involving these images. Further, Mr. Desenberg denied every engaging in sexual behavior with a child as an adult and denied ever trading any of the images he received, although, he did admit to sending the images to the woman, or undercover agent through emails.

Further, when Mr. Lau inquired about Mr. Desenberg's sexual chats and emails, he replied that he found himself fascinated with these chats and often repeated what others had said to him. He found himself to be fascinated by a woman who would be interested in allowing her children to be sexually involved with him. He stated that he also wondered if this woman was really a man, as most people in these chat rooms were. Mr. Desenberg related that he realized he had a problem and what he was doing was wrong. He became angry with himself and began to delete the images he had collected.

In addition, during his interview with Mr. Lau, Mr. Desenberg denied any history of paraphilic interests or behaviors. He denied any history of exhibitionism, voyeurism, and other types of fetishes as well. He denied ever having threatened, coerced, bribed or sexually abused a child or forced someone into a sexual act without their consent.

According to the Presentence Report, Ms. Ober described Mr. Desenberg as a "good guy" who "would never hurt a child." Ms. Ober was also interviewed by Kenneth Lau and she reported that, a few months prior to his arrest, she had noticed a major change in Mr. Desenberg's behavior. He appeared more depressed and was spending excessive amounts of time of the computer. Mr. Desenberg was not bathing regularly and had little contact with his friends and family. In addition, he was upset about looking his job.

MENTAL STATUS EXAMINATION

Mr. Desenberg is a forty-one year old, intelligent, Caucasian male who presented for the interview alert and fully oriented with long hair and a beard. Mr. Desenberg was animated, well related, and maintained good eye contact throughout the interview. He was open and forthcoming with information. Mr. Desenberg's thought process was logical and goal directed; he did not appear sexually preoccupied. In addition, Mr. Desenberg did not endorse or display any hallucinations, delusions, or illusions. His mood was anxious and his affect was intense.

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Mr. Desenberg stated that since Christmas 2007, he has been unable to sleep and has been obsessively thinking about and dwelling upon, the abuse he suffered as a child. In addition, Mr. Desenberg described having obsessive guilty thoughts about having sent images to other people, fearing that he may have unknowingly enabled the abuse of a child or encouraged an individual to act out their fantasy in real life.

Further, Mr. Desenberg had been experiencing a loss of appetite and had not been eating or sleeping as much. He reported feeling depressed, more anxious, and fearful about his sentencing. He explained that he is obsessed with and frightened by the idea of being sexually abused in prison. Mr. Desenberg related that his chief symptom is obsessive and intrusive thoughts about the abuse he suffered as a child.

During his evaluation, Mr. Desenberg displayed a poor ability to maintain focus or attention, he was very distractible. However, Mr. Desenberg claimed to be able to focus without any difficulty. Mr. Desenberg displayed good insight when he related that his, "drinking, partying, needling of people" were all related to his history of abuse as a child.

Mr. Desenberg reported experiencing panic attacks "off and on" since his divorce from his wife. During these episodes, Mr. Desenberg reported being unable to breathe, "Couldn't cycle a breath". He also described having an underlying fear or sense that something bad was about to happen. During these episodes, Mr. Desenberg related that he would have to stand still for up to forty or fifty minutes because he was afraid to move. On one occasion, Mr. Desenberg became frozen with panic on the steps to his church and he needed to call his girlfriend to come and get him. Mr. Desenberg explained that his anxiety would gradually decrease over several hours and that he usually experienced these panic attacks after a significant event had occurred or after having a particularly unsettling conversation online.

Although Mr. Desenberg did not endorse a prior history of depressive episodes, he did describe experiencing reactive depression after dealing with certain stressors in his life. These depressions were more reactive than endogenous mood swings in that his depressive episodes appear to occur as a reaction to stress in his environment, rather than appearing de-novo without any environmental stress.

Although both incidents of sexual abuse in Mr. Desenberg's childhood were understandable and reasonably traumatic, he related that the abuse he suffered at the hands of Greg was more bothersome to him than Father Joe's abuse. He felt as though his life was in danger while being abused by Greg, the abuse with Father Joe was intermixed with positive experiences they had also shared.

Mr. Desenberg commented that he had "learned to deal with things on his own" because, "everyone minimizes things." Mr. Desenberg explained that his mother and father always minimized things and added that, even when he reported

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the inappropriate content of AOL chat room, "Cuties", to AOL administration, nothing was done about it, indicating to Mr. Desenberg that those people were doing nothing wrong.

DIAGNOSIS AND FORMULATION

Axis I

(Clinical syndromes)

Post-Traumatic Stress Disorder

Adjustment Disorder with Depression and Anxiety

Alcohol Abuse, In Forced Institutional Remission

Marijuana Abuse, In Forced Institutional Remission

Axis II

(Personality and developmental disorders)

None

Axis III

(Medical issues)

None

Mr. Desenberg is a forty one year Caucasian man with a childhood history of repeated sexual abuse at the hands of a distant male relative and, later, at the hands of the neighborhood priest. Both instances were consistently and repeatedly described by Mr. Desenberg during repeated evaluations and assessments. Mr. Desenberg gave a history of symptoms of PTSD immediately following both episodes of sexual abuse. Feelings of depression and anxiety were accompanied by social withdrawal, a drop in school performance, as well as by the intrusive recollection of the abuse. Over a short period of time, he stated, the symptoms disappeared. What Mr. Desenberg was left with instead were a chronic battle with alcohol and drugs and an inability to function adaptively in the community. Despite native intelligence, Mr. Desenberg has lived a marginal existence with poor work performance, repeated contacts with the criminal justice system, and with the inability to lay down effective roots and to maintain significant relationships.

Though such a life pattern is not necessarily the result of unresolved issues of childhood sexual abuse, it is this psychiatrist's opinion that the unresolved conflicts caused by repeated sexual victimization contributed significantly to the emergence of Mr. Desenberg's substance abuse problems, interpersonal and vocation difficulties, and impulsive acting-out.

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Mr. Desenberg gave no history of any deviant psychosexual behaviors, thoughts, or proclivities. He did not impress either Mr. Lau or myself as manifesting any pedophilic tendencies, other than the offense conduct. Risk assessment, though deemed unreliable by Mr. Lau, were nevertheless administered and resulted in a classification of Mr. Desenberg in the low range of future risk. One wonders whether a finding of high risk would have been equally dismissed as unpredictable by Mr. Lau.

As per Mr. Desenberg's account, he had not thought about the instances of childhood sexual abuse until he fell upon images of child pornography on the computer he shared with his girlfriend. Until he made the discovery, he had been working full-time and was engaged to be married. Once he came across the images, he became obsessed with the images and the dialogues he was having, to such an extent that he neglected to bathe, to interact with family members, or to maintain his job. He became depressed, anxious, and isolative. As confirmed by his fiancée, Mr. Desenberg underwent a significant change in his demeanor as soon as he made the discovery of the child pornography on the Internet.

It would appear that Mr. Desenberg's interest in these images was limited in time to a brief, but intense bout, in early 2007. There is no pattern of escalating interest or involvement with these materials in Mr. Desenberg's history, nor is there evidence that his sexual interests had ever been anything but for adult heterosexual interactions. The sudden, intense, obsessive, and all-absorbing nature of the offense conduct is consistent with Mr. Desenberg's explanation of his involvement, rather than the typical pattern evidenced by a pedophile of his age.

Mr. Desenberg made the credible assertion that viewing the images of child pornography and of the abuse inherent to such images, stirred in him the intense recollection of the abuse he himself had endured. He added that he became obsessed with unearthing the type of person who would engage in such behavior. The behaviors in question included abusing him as a youth and being involved with these materials now. Mr. Desenberg further explained that he believed that by seeing how far he could push his apparent interest with the material in his dialogues, he could identify, unmask, and punish a potential abuser. In his mind, by punishing the current abuser, he was seeking retribution for the prior abuse he had endured. When it became clear that this association was only a fantasy, Mr. Desenberg reportedly ceased all the inappropriate behaviors and attempted to rid himself of the materials. Mr. Desenberg insisted that this decision predated any involvement with the criminal justice system.

As a result of a direct psychiatric assessment, as well as my review of accompanying assessments and collateral data, it is my opinion with a reasonable degree of medical certainty that Mr. Desenberg does not meet criteria for a diagnosis of pedophilia at this time. Though illegal and evidence of poor social judgment, his

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offense conduct does not appear motivated by a need for sexual gratification with underage individuals. As such, I do not believe it to represent a step along a continuum that might end with further or direct sexual victimization of children. Instead, the offense conduct appears to have caused earlier memories of abuse to re-surface, as evidenced by Mr. Desenberg's consistent description and of the collateral signs and symptoms he appears to have manifested as a result.

Mr. Desenberg currently manifests signs and symptoms of depressive and anxiety disorders related to the sexual abuse he was a victim of. This Adjustment Disorder with Anxiety and Depression caused Mr. Desenberg to suffer from disabling symptoms that impacted negatively on his thinking and judgment at the time of the offense. Overwhelmed with intrusive recollections of the abuse he had endured, he became depressed, panicky, and obsessed with the images and their relationship to his own experience. During this period, he was not functioning; he withdrew socially, and lost his job. When he gained clarity of thought, Mr. Desenberg was able to cease the behaviors on his own and was able to recognize the errors in judgment he had made.

Given the specific nature of Mr. Desenberg's interest in the materials at that specific moment in time, it would not appear to this psychiatrist that Mr. Desenberg harbors an ongoing interest or fascination with pedophilic materials or that he has any interest or desire to continue to involved himself in any pedophilic activities, either in a virtual or in a real life manner. The instant offense was specifically the product of unresolved issues that Mr. Desenberg had harbored quietly for years until they came to the surface. Mr. Desenberg is in need of psychiatric treatment, not to treat a Paraphilia, but to assist him in addressing the unresolved issues of his own sexual victimization. In this psychiatrist's opinion, Mr. Desenberg's history of substance abuse, his repeated contacts with the law, and his poor psycho-social functioning, are all the product of these unresolved issues. Mr. Desenberg would benefit from a course of rigorous psychotherapy, with the possible addition of psychotropic medications, to explore and treat the underlying conflicts which have so negatively impacted on his life, such a depression, anxiety, anger, the offense conduct, and substance abuse.

In the end, Mr. Desenberg does not appear to be a danger to himself or others. There was no evidence to suggest that Mr. Desenberg had a history of attraction towards children, there is no history of prior arrests for such offenses, and there was no indication in the risk assessment tools administered by Mr. Lau that would suggest that Mr. Desenberg is at risk of dangerousness or a risk of sexual recidivism.

Significant psychological issues, present at the time of the offense conduct, merit consideration by the Court in the disposition of this criminal matter at hand.

*Forensic-Psychiatric Examination
Jordan Desenberg*

Thank you very kindly for referring this matter to my attention.

Respectfully submitted,

Alexander Sasha Bardey, M.D.

Diplomate in Psychiatry, American Board of Psychiatry and Neurology

Diplomate in Forensic Psychiatry, American Board of Psychiatry and Neurology

Clinical Faculty, Department of Psychiatry, New York University Medical Center

Adjunct Assistant Professor, Department of Psychiatry and Behavioral Sciences

New York Medical College

Exhibit B

Kenneth J. Lau, LCSW

Fortune Building
280 North Central Ave.
Suite 125
Hartsdale, New York 10530

ADULT SEXUAL OFFENDER EVALUATION **Psycho-Sexual Assessment**

Date of Report: January 18, 2008

Patient: Jordan Desenberg
Address: Federal Bureau of Prisons
100 29th Street
Brooklyn, New York

DOB: 1/18/66

Age: 41

Dates of Interviews: 11/28/07 and 12/12/07

Referral Source: Michele Greer Bambrick, United States Federal Probation Southern District

Sources of Information: Michele Bambrick, Probation Officer; letter written by Michael Garcia, US Attorney written to Christopher A. Flood, Esq. Federal Defenders of New York, Inc. dated July 12, 2007, copies of email sent by screen name JordanSaintJames to Ellenofriverdale. Phone contact with Carol Ober, Mr. Desenberg's fiancée.

Limits of Confidentiality

Mr. Desenberg was informed that the results of the assessment would be shared with the United States Office of Probation. Mr. Desenberg signed necessary releases.

Reason for Referral

Mr. Jordan Desenberg was accused of sending images consisting of child pornography from his computer in Pennsylvania to the e-mail account of an undercover law enforcement officer in the Bronx, New York early in 2007.

The probation office of the Southern District of New York is requesting a psycho-sexual sex offender evaluation as Mr. Desenberg is scheduled to be sentenced in February, 2008. The assessment will be part of a pre-sentence report that the probation department is preparing for the upcoming sentencing hearing. This evaluation will include efforts to assess Mr. Desenberg's sexuality, interpersonal and intrapersonal behaviors, family supports, treatment needs and the potential for future sexual inappropriate behavior.

Instant Offense Summary

According to the complaint made by Jeff Markheim, Special Agent, Federal Bureau of Investigation on or about February 2, 2007, up to and including on or about March 21, 2007, in the Southern District of New York Mr. Desenberg unlawfully, willfully, and knowingly, did mail, transport and ship in interstate and foreign commerce child pornography by any means, including by computer, to wit, the defendant sent images consisting of child pornography from his computer in Pennsylvania to the e-mail account of an undercover law enforcement officer in the Bronx, New York.

Mr. Desenberg also sent emails to a woman who he believed had two young girls. In the e-mails, he stated he wanted to get to know a woman that is open to the idea of her loving her and her children and gets excited by that. The ongoing e-mails indicate that Mr. Desenberg would love to have this woman watch him while he had sex with the girls. The emails described specific sexual behavior he would like to engage in with the children. Mr. Desenberg described looking at pictures of young girls and getting excited by them. When arrested, the investigators found 21 pictures of young children in various sexual positions having sexual contact with adults.

Mr. Desenberg shared that he had been viewing adult pornography on the internet. He denied having much prior experience on the internet prior to January, 2007. Mr. Desenberg stated that upon looking at adult pornography, he became interested in looking at pictures of child pornography that were sent to him. He shared that when he initially came across the child pornography on the internet, he had flashbacks to his own child sex abuse experiences. He reports that he had not thought about the incidents in his childhood for years. After viewing the pictures, he admitted downloading them onto his computer. He was initially curious about why people would engage children in this behavior. He denied that he masturbated to the images but wanted to use the pictures as a means of communicating with others that were interested sexually in children. Despite the fact that he sent emails describing sexual interaction with children, he denied having sexual fantasies or that he was sexually stimulated by the images. He also denied that he ever had engaged in sexual behavior with a child as an adult. Mr. Desenberg denied that he ever traded any of the images he received. He did admit that he had sent the images to the woman he was emailing. He also denied that he had ever used the internet to chat with children.

Criminal History

Mr. Desenberg has a long history of criminal behavior starting in 1989. He was arrested in Orlando, Florida for trespassing and in Lakeland, Florida for loitering, prowling and resisting arrest. In 1990, he was convicted in Florida for burglary and dealing in stolen property. In 1991, he was convicted in Pennsylvania for resisting arrest, disorderly conduct, and driving under the influence. In 1992, he was convicted of disorderly conduct in Florida. In 1993, while residing in Orange County Florida, he was convicted of Battery.

In 1996, he was arrested by the Daytona Beach police for battery and contempt of court. In 1998, he was convicted of disturbing the peace and in 2006 when he returned to live in Pennsylvania, he was convicted of simple assault and was placed on two years probation.

He was on probation when he was arrested on the present charges. Mr. Desenberg has been incarcerated since his arrest earlier this year.

Mr. Desenberg admitted that he has had a history of legal problems. He shared that he would often get into fights when drinking. He denied any history of domestic violence. He did report that his wife was physically abusive to him.

Substance Abuse History

Mr. Desenberg admitted to history of substance use. He admitted that at age 15 or 16 he began using marijuana. In his late teens he tried LSD and as an adult used cocaine. He has used prescription drugs but drinking alcohol (mostly beer) has been his major drug of choice. He described his history of substance use as a way of self medicating himself. He denied any major drinking problems but did admit that he often found himself in fights when he was drinking. He denied ever having any blackouts.

Sexual History

Mr. Desenberg reported that he received little sex education in his home growing up. He felt that his childhood was void of any real communication related to sexuality, except related to his early experiences of being sexually abused. At age 13, he had first exposure to books related to sexuality. At that age, he watched a film that depicted explicit sexual activity. He described his first sexual experience was at age 5 when his older cousin had him perform oral sex. As he described the incident, it was apparent that he still maintained a high level of anger about the incident. Mr. Desenberg described his earliest memory of touching his private parts at age 15 and remembers that he obtained an erection when he touched himself. His first memory of masturbating to orgasm was at age 16 when he began having a nocturnal emission. The first experience he had being sexual with someone else was with a female peer at age 15. They engaged in kissing, mutual fondling, and attempted vaginal sex. It was not until age 16 that he had first experience of intercourse and it was not until age 18 that he had first experience of oral-genital contact. Mr. Desenberg reported that as a young adult until his marriage at age 30, he was involved with many females. He often would be involved with a number of females at the same time. He denied any sexual experiences with males.

Mr. Desenberg reported that after his marriage he was faithful to his wife. He felt they had a positive sexual relationship but he admitted that his drinking and anger problems impacted on their relationship. They never had children but have remained friendly after they split up. He reported that, when he masturbates, it is always to adult female images. He shared that the first time he viewed adult pornography over the internet was approximately a year ago.

On the "*Sexual History Questionnaire*", Mr. Desenberg denied any history of paraphilic interest or behavior. He denied any history of exhibitionism, voyeurism or other types of fetishism.

He admitted that he has engaged in phone sex on a few occasions but only with people he was sexually involved with. He denied that as an adult he ever threatened, coerced, bribed or sexually abused a child or forced someone into a sexual act without their consent. Of

note, he did not endorse any of the sexual fantasies and behaviors that were listed, except visiting strip clubs and adult book stores in his 30's.

On the *Addiction Questionnaire*, Mr. Desenberg did not support any of the items that would indicate problems except his own reported history of sexual abuse and his early promiscuous sexual behavior.

Mr. Desenberg shared that at age 5 his mother would often bring him over to her cousin's house to visit. The cousin's son was a teenager and Mr. Desenberg would often play in the older boy's room. On one occasion, he showed Mr. Desenberg a gun. On another occasion, he started taking pictures of him and having him perform oral sex. He was not sure if the boy ejaculated. On a few occasion another boy was present and this boy also abused him. Mr. Desenberg remembers about five separate incidents. Mr. Desenberg could not remember if the boy threatened him with secrecy or told him not to tell anyone. He was not clear if he ever told his mother but he did tell his mother that he did not want to go over there anymore. A number of years later the older boy committed suicide. Mr. Desenberg remembers feeling good when he heard about the boy's death.

Mr. Desenberg also shared that at age 11 or 12 he was fondled over his clothes by his parish priest. He did tell his mother about this incident but she minimized it. He is still upset today with his mom about this.

Mental Status

Mr. Desenberg presented in a friendly and verbal manner. At times he was guarded but for the most part appeared forthcoming about his history. His appearance and affect were appropriate. Some minor depression was noted and he denied any suicidal thoughts or plans. Thought process was intact and no hallucinations and delusions were reported. Speech was normal and judgment intact. Insight was minimal. He reported that as a child his biological father was physically abusive. Mr. Desenberg reported no history of mental illness and or experience in therapy. He did describe a history of panic attacks since he was a child for which he received no help.

Mr. Desenberg reported that he is in good health. He has a history of back pain the result of a case of scoliosis. He also reported that he presently has sleep problems. He can only sleep for a few hours at a time.

Interview with Mr. Desenberg

Mr. Desenberg was seen for a total of two sessions. Mr. Desenberg was interviewed for a total of four hours on two separate days. He did share information about his the offense, his sexual history and the problems he has had in his life. In addition, Mr. Desenberg was interviewed regarding his family of origin, his relationship with his parents, siblings, wife, step children, and extended family.

Mr. Desenberg was born in York, Pennsylvania. His parents split up when he was young and his mother re-married. He described himself as a good student up until about the 8th grade. After he started high school, he began to get into trouble and was suspended once for being caught with "pot". He eventually dropped out of high school at around age 16

and joined the Job Corp. He was sent to Laurel, Maryland. After the Job Corp, he returned to York but shortly after left home and went to live in Florida. For the next ten years he moved around frequently living in different places both in Florida and California before settling down when he got married in his late twenties. His work history is inconsistent but he did play in a band that had many different jobs. He moved back to Pennsylvania about two years ago where he met his present fiancée, Carol. They moved in together shortly after they met. Carol is about eight years older than he is and has three adult children. They plan to get married as soon as she can come up to Brooklyn. He talks to her on a regular basis on the phone.

Mr. Desenberg reports only having a few friends and clearly he has had difficulty maintaining any meaningful relationships. When he first met Carol they got along very well. Shortly after he quit his job and he realizes now that he was feeling depressed. In April, 2006, he was convicted of assault and placed on probation. When he moved in with Carol, she had a computer in her bedroom. Later that year he began using the computer as he had never had a computer before. Initially, he spent time playing games, etc. He eventually found himself entering different CHAT rooms. He found that people who entered these CHAT rooms often used more than one name. He found himself fascinated by this and wanted to see if he could figure out what names went together. Early in 2007, he reported that he found a CHAT room called "Cuties". At that time someone forwarded him pictures of a child. His initial thought was that the pictures were of the same child. When he first viewed the pictures he said it felt weird. He was not sure of the age of child, maybe 10. Initially, the pictures were glamorous and eventually he began receiving pictures of naked children and then pictures of children having sex with other children and adults. It was at this point he reported that his memories related to his own abuse began to come back to him. He had not thought about the incidents in years. Mr. Desenberg stated that his first thoughts were to catch these perpetrators. The pictures depicted all kinds of sexual acts. He denied that he ever masturbated when viewing the pictures and in fact he reported that it impacted negatively on his sex drive. He admitted that he downloaded a number of the pictures and did send them to others.

Mr. Desenberg was questioned about the sexual detailed CHATS he had with a women on the internet. Mr. Desenberg shared that he found himself fascinated with the CHATS and often repeated to others what people said to him. When he got into a CHAT with a women who had three young children, he found himself fascinated that she would be interested in allowing her children to be involved with him. He also wondered if this women was a man as most of the people in these CHAT rooms were men. He found himself wanting to take the conversation from the fantasy to reality and thought about going to meet this women and her children. Mr. Desenberg reports that it was at this point he began to realize he had a problem and what he was doing was wrong. He was angry at himself and began to delete the pictures that he had. He states he wanted to be caught. It was shortly after this that he was arrested.

Phone Interview with Carol Ober (Mr. Desenberg's Fiancée)

Carol Ober was interviewed via phone. Initially, she was extremely guarded and was not sure she should talk to me. I explained that Mr. Desenberg had given me her number. She confirmed that she had spoken to him and he said I would be contacting her. After a few minutes, she become more relaxed and answered most of my questions. She was not

sure how she met Mr. Desenberg but has known him for about two years. She appeared to have some problems with her memory and her speech at times was extremely slow and difficult to understand. She shared that she plans to marry Mr. Desenberg and if she can get someone to drive her to Brooklyn she will go up there to get married. Ms. Ober shared that she has two sons and a daughter. They are all in their 20's. Her daughter has four children, a girl and 3 boys. She reported that Mr. Desenberg got along well with the children and the kids always enjoyed having him around. She was not concerned about any potential risk he might present to the children.

Regarding their relationship, Ms. Ober indicated that she was very much in love with Mr. Desenberg despite his legal problems. She realizes that he had changed a lot prior to his arrest but now when she speaks to him on the phone he sounds like the original man she met. A few months prior to his arrest, she noticed a major change in Mr. Desenberg's behavior. He was more and more depressed and would spend hours on the computer in their bedroom. She indicated, sometimes he would be on the computer late at night while she slept. She tried to get him to cut back but he was not willing to do so. He was upset about losing his job and had little contact with friends and family. He was not bathing regularly and appeared depressed. She shared that his interest in her sexually diminished during periods he was on the internet. She also reported that he suffered from Panic attacks at times. She was reluctant to share whether he had a temper and/or fits of anger. She did admit that at times he drank too much. Ms. Ober shared that she speaks to Mr. Desenberg regularly on the phone. He calls a number of times a week. She indicated that she plans for Mr. Desenberg to move back with her when he is released from jail.

Actuarial Risk Assessment Tools:

It is important to note that the majority of assessment scales, including those used in this assessment, were developed to assist in predicting sexual recidivism based primarily on hands on offenses. Although distributing, soliciting and exchanging child pornography on the Internet is considered to be a sexual offense, it is not a hands on offense, in that the alleged perpetrator does not have direct sexual contact with a child. Therefore, the use of the Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR) and the Static 99 scores should be viewed with caution. Both these risk assessment tools have been found to be clinically valid and reliable. Mr. Desenberg's score on both these scales place him on in the low risk category for sexual recidivism.

Summary

It is difficult to accurately assess Mr. Desenberg's potential risk for future sexually aggressive behavior. The legal and clinical information made available for this assessment does not indicate that Mr. Desenberg has had a history of sexual attractions towards children. It was reported that he has never been accused and/or convicted for sexually inappropriate behavior with children. The actuarial scores indicate he is a low risk to re-offend. Mr. Desenberg's self disclosure related to his own sexual history and fantasies does not indicate any prior sexual attraction to children or other concerning deviant sexual behavior. His only self report of note is his reported sexual victimization as a child at the hands of a older cousin and a priest when he was a pre-teen. The incidents were reported by Mr. Desenberg but I was not able to verify the accuracy of these self reports.

Mr. Desenberg clearly is disturbed about the incident with the older boys and the priest. He reports that for many years he had not dealt with it. He also was upset with his mother when she minimized the incident with the priest. Mr. Desenberg reports that his relationship with his mom is not good and it is unclear if he has ever shared the past incident with her. There are some indications that Mr. Desenberg suffers from Post Traumatic Stress as well as depression. No other major psychiatric problems were noted. It is clear that Mr. Desenberg has a long history of substance abuse and anger problems. He reports no history of sexual deviant interest but did admit that, once he obtained access to the internet, he easily developed a strong interest in pornography and eventually a curiosity towards child pornography. He admits to looking at and downloading child pornography and participating in sexually descriptive chats related to children on the internet. Mr. Desenberg denies that he received sexual gratification looking at these images and his curiosity was initially to protect children from the perpetrators on the internet. He did admit that he found himself fascinated by the images and caught up with the sexually explicit chats. He did admit that he had thoughts of meeting the woman and her children that he had met on the internet but does not feel that he would have ever actually acted out on these thoughts. What cannot be assessed here is whether Mr. Desenberg's report is accurate or not. This is best dealt with in treatment. At this time, he has not received any specialized treatment for this offense.

When the issue of treatment was discussed with Mr. Desenberg, he stated that he understands that he needs to recognize his history of substance abuse and anger management problems. He did not know much about sex offender treatment but was willing to participate in it if it would help him understand his behavior and his reactions to his history of abuse.

Risk factors that are present include long history of legal problems, anger management and substance abuse problems, failed relationships and poor work history. Mr. Desenberg's denial that he downloaded images of children for sexual gratification may not be a risk factor for future sexually abusive behavior but it will impact on progress he may gain from treatment. His denial will impact on his successfully completing sex offender treatment in the future.

Recommendations

1. Mr. Desenberg needs to participate in specialized sex offender treatment as soon as it can be arranged. He would benefit from attending individual and group treatment with a therapist that specializes both in offender and victim treatment. The present environment does not facilitate his being confronted about his history with downloading and viewing both adult and child pornography. He has been incarcerated for almost 12 months and has not addressed the problem during that time. As a result, he is minimizing his behavior and potential risk in the future.
2. A focus of treatment should be to educate Mr. Desenberg about the different ways children are exploited when photographed and filmed for pornography. He needs to explore reasons he was attracted to images of children, and determine the extent

of sexual gratification he received when viewing the images on the internet. He also needs to explore whether, given further opportunities, he would arrange to meet someone he met on the internet for sex.

3. Mr. Desenberg should be referred for a "Clinical Polygraph" that would address the issue of his motivation for downloading the child pornography. In addition, the polygraph should explore whether Mr. Desenberg has any history of engaging in hands on offenses with children.
4. Mr. Desenberg's future access to the internet should be closely monitored and he should have no access to pornography. Sites that are predominately for children (My Space for example) should be blocked on any computer he has access to. He should not be allowed contact with minors until such time a full assessment of his deviant sexual history has been completed by his treating therapist. Contact with minors should only be approved when and if treating therapist recommends such contact and such contact is approved by his probation officer.
5. When Mr. Desenberg is released from prison, his plan to return to the home of Ms. Ober should be closely assessed. Ms. Ober reports there are no children living in the home but she often baby sits for her grandchildren. It is clear that she does not see Mr. Desenberg as a risk to the children. This needs to be assessed further to determine if she is an appropriate candidate to be a chaperone.
6. Mr. Desenberg would benefit from participating and completing substance abuse assessment and treatment. He should also participate and complete anger management treatment..
7. Mr. Desenberg needs to address his reported sexual victimization in his treatment at the point that his therapist feels it is appropriate. Symptoms for Post Traumatic Stress Disorder should be explored and monitored throughout his treatment.

Submitted by:

Kenneth J. Lau, LCSW-R

Kenneth J. Lau, LCSW-R

Member of the Association for the Treatment of Sexual Abusers (ATSA) and President of the NYS Chapter of ATSA

Exhibit C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

vs.

JORDAN DESENBURG,

Defendant.

07 Cr. 401 (HB)

-----X

AFFIRMATION OF PEGGY M. CROSS

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*Attorneys for Defendant
Jordan Desenberg*

PEGGY M. CROSS, an attorney duly admitted to practice law in the State of New York, hereby affirms:

1. I am a member of the Bar of this Court and an Assistant Federal Defender with the Federal Defenders of New York, Inc., and was former counsel for Defendant Jordan Desenberg in this action.

2. I attended the pre-sentence interview of Mr. Desenberg on October 19, 2007, and have reviewed the report of Kenneth J. Lau, dated January 18, 2008.

3. The account given by Mr. Desenberg in the pre-sentence interview of the sexual abuse he suffered as a child is consistent with the facts as set forth in Mr. Lau's report.

4. Although different questions by two different interviewers may have elicited different details about the incident of abuse, I found the two discussions of the abuse to be extremely consistent.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed: New York, New York
June 4, 2008

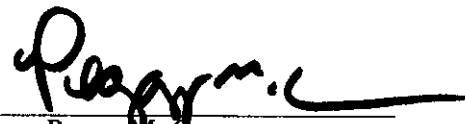

Peggy M. Cross

Exhibit D

to Judge,

I am writing you on behalf of my fiancée Jordan Rosenberg since his arrest we have spoken about this charge, his pleading guilt, and whi If I didn't see things with my own eyes I wouldn't know what to think. I just want you to know parts of what happened.

Two summers back I bought a computer. Not long after I bought it I saw changes in Jordan. It was like a light switch that turned on. Jordan went to work every day, dressed really nice, loved to go out but that all changed, like I said.

First, Jordan quit his job and if that were all of it I would have been mad but I saw other things too that made me worry not about him but for him. He stopped going out, till finally he wouldn't even leave his bedroom. There were times he said he was having a panic attack, and sometimes

①

if Jordan had to leave the house I would get a call, begging me to ~~at least~~ come get him and walk home with him. He would lose his temper, not violent but get mad at weird things. He quit having sex, eating regular, some times nothing for a whole day and then the next just a sandwich if I told him I made it special. It was like he forced himself. He quit showering and wearing his house shorts all the time, and either sleep a whole lot or not at all for over a day. Some times usually at the computer. I even found him when he said he was stressed hiding in our closet, well not hiding exactly more just in there sitting.

②

Sometimes we talked about why he didn't talk to his family. Jordan would just get mad and say like his mom did things I thought she beat him but now I think it had something to do with this. Some days were worse than other till he said to get rid of the computer I did, but about a month later I wanted it back and we had a huge fight. He got bad again till one day in late February he started dressing, coming out of the room, and a job and them well, all this.

I would ever be with him if I thought he could hurt someone and though he's pleading guilty I can clearly see it he did ~~any~~ anything it was because of his life and then nervous

③

breakdown he was having. Please
Lou Howard, He wasn't doing
this for bad reasons, but
the lawyers of Lou don't know
him. If Lou could see him
Lou'd know he wasn't being
his normal self. That he was
reacting to what he found
in the middle of a nervous
breakdown.

I knew Jordan would never
hurt a kid. I know the
things he did was because he
saw something that pushed
him over the edge.
Even though he broke the law
it wasn't because he's bad.
I just hope that Lou
take this stuff in account
and hope that
He'll be home soon

Lou's truly
Signed
Carol and Ober

Exhibit E

Your Honor,

My name is Jacklyn Miller and I am writing you about Jordan Desenberg.

I am writing because he is my mom's fiancée but because I lived with him and my mom for several months and saw him everyday.

My mom has explained Jordan is pleading guilty and why. I'm not saying these things to help him cause if I believed he would hurt any children he could be in forever but I don't believe that.

Unless Jordan started lying to my mother, I was told even the government experts believe Jordan was having both depression & post-traumatic stress which is like a nervous breakdown. If you lived with Jordan and knew him over the 6 months before his arrest you would know that's exactly true.

Jordan went from being a hardworking, well dressed, easy going, out going person to well "a mess" almost over night it seemed. He stopped eating, showering, even dressing. He wore the same gym shorts everyday.

He seemed obsessed with something on the computer and got short with the people that cared for him.

I even saw 1st hand that at times he'd be so stressed out he would hide and fall asleep in his walkin closet. Your Honor, I could tell you 100 things like that, why I believe he was having a nervous breakdown and how, looking back, can see ~~that~~ the reason why. You must get lots of letters asking for leniency or mercy. We only hope you will give him a just punishment looking at his mental health and how he broke down over what got him arrested.

I am a mother, never once did Jordan do anything unforeward with my children.

He wouldn't even change the kids diapers...

I have great "radar" and know Jordan is not some child molester.

Your Honor, even the government experts say he was having a nervous breakdown,

All we hope is you consider that when you decide what needs to be done, and we know if you do, Jordan will be home to the people that love him, soon.

Sincerely,

Jaqueline M. Miller
Correa